United States District Court

District of New Mexico

UNITED STATES OF AMERICA

| | | V. ORDER OF DETENTION PENDING TRIAL |
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| | | LLOYD MONTOYA Case Number: 05-1849 JH |
| | | Defendant |
| 0.1 | | In accordance with the Bail Reform Act, 18 U.S.C.§3142(f), a detention hearing has been held. I conclude that the following facts require the detention |
| of th | he def | Sendant pending trial in this case. |
| () | (1) | Part I - Finding of Facts The defendant is charged with the offense described in 18 U.S.C.§3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is () a crime of violence as devised in 18 U.S.C.§3156(a)(4). () an offense for which the maximum sentence is life imprisonment or death. () an offense for which a maximum term of imprisonment of ten years or more is prescribed in)))))))))))) |
| | |)))))))))))))))))))))))))))))))))))))) |
| () | | in finding (1). Findings Nos. (1),(2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption. |
| | | Alternative Findings (A) |
| () | (1) | There is probable cause to believe that the defendant has committed an offense () for which a maximum term of imprisonment of ten years or more is prescribed in () under 18 U.S.C.§924(c). |
| () | (2) | The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community. |
| | | Alternative Findings (B) |
| | (1) (2) | There is a serious risk that the defendant will not appear. There is a serious risk that the defendant will endanger the safety of another person or community. |
| that | | Part II - Written Statement of Reasons for Detention I that the credible testimony and information submitted at the hearing establishes by (clear and convincing evidence) (a preponderance of the evidence) defendant has an outstanding warrant and at this time stipulates to detention at this time. |

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: May 1, 2006

Signature of Judicial Officer

LORENZO F. GARCIA, Chief U.S. Magistrate Judge

Name and Title of Judicial Officer